

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Comcast of Southern New England, Inc.) Case No.: 04-11241-RCL
)
) Plaintiff,) AFFIDAVIT OF JOHN M.
) vs.) MCLAUGHLIN, ESQ.
)
Scott McAdam)
)
Defendant)

Now comes the affiant, and makes this his sworn statement, under the pains and penalties of perjury, of his own personal knowledge.

GENERAL FACTUAL ASSERTIONS

1. I, John M. McLaughlin, represent the Plaintiff in the above-entitled action.
2. I am a partner at the Law Firm of Green Miles Lipton & Fitz-Gibbon
3. I have used paralegals from the firm to assist me in this case.

FACTUAL ASSERTIONS AS TO ATTORNEY'S FEES

4. My usual hourly rate is \$200.00 per hour. The usual hourly rate of the paralegals in our firm is \$90.00 per hour. These rates are more than reasonable for telecommunication civil litigation specialists.
5. I am a member of the Federal Communications Bar Association and I have been heavily involved in telecommunications litigation since the early 1990's. I have represented Comcast, ATTB and numerous Comcast and/or Continental Cablevision corporate entities in hundreds of cases.
6. The time records have been edited to remove confidential communications with the client. The Plaintiff reserves the right to amend its claim for attorney's fees

and costs should Plaintiff's Counsel have to attend a Default Hearing in Boston and Plaintiff may also bear certain costs with reference to said hearing. The details of the time records to-date are set forth below. Also, I have already reduced the billable time from the actual time spent on reviewing and sorting my time records to take into account the first circuit case of *Brewster v. Dukakis*, 3 Fed.3d 488, (1st Cir. 1993) which provides that attorney's fees for work on affidavit for fees should be billed at a reduced rate.

ATTORNEY'S HOURS:

6/4/04	Review Draft of Complaint	.50
11/16/04	Draft/Review Motion for Default Judgment	1.50
SUBTOTAL of hours		2.00
At \$200.00 per hour		
SUBTOTAL amounts		\$400.00

PARALEGAL'S HOURS:

6/4/04	Draft Complaint	.70
11/19/04	Draft Motion for Default	2.00
SUBTOTAL of hours		2.70
At \$90.00 per hour		
SUBTOTAL amount		\$243.00
Total Amount		\$643.00

7. No attorney's fees have been paid by the Plaintiff in the case at bar because the case is covered by a contingency fee agreement and there has not been and may never be any actual recovery.

OTHER FACTUAL ASSERTIONS

8. The Default of the Defendant has been entered for failure to appear in this action.
9. The undersigned believes the Court can assess statutory damages in this matter without testimony. Yet, if the court believes testimony is necessary or even helpful, the Plaintiff will fully cooperate and provide fact witnesses and/or expert witnesses if required.
10. On information and belief, the Defendant is not an infant or an incompetent and the Defendant is not in the military service
11. The court defaulted this Defendant *sua sponte*.
12. I have received phone calls from the Defendant and I have sent him evidence by mail.
13. In conversations with the Defendant he has denied getting service of the Complaint; however, in a recent phone call where he was denying receiving documents from me I overheard a voice in the background (presumably his wife) saying that they did get a letter from me back in June. I did not write to the Defendant in June and I believe what is being referred to as a "letter" is actually the Complaint.
14. The Defendant has not filed any response to date and I have advised him to obtain counsel.

Subscribed and sworn to, under the pains and penalties of perjury, this 24th day of November, 2004.

/s/ John M. McLaughlin
John M. McLaughlin
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